



**ADMINISTRATIVE CODE INTERPRETATION
RELATED TO THE ADMINISTRATION OF CHAPTER 14.40 LSMC AS IT RELATES TO SITING
UTILITY FACILITIES**

1. Authority

Lake Stevens Municipal Code (LSMC) 14.04.120(a), allows city departments to administratively adopt guidelines, standards, reference materials, forms or other documents that aid the public, applicant, staff or decision-maker in interpreting the municipal code. LSMC 14.16C.035 outlines the process for administrative interpretations to clarify the provisions of this title. This code interpretation is initiated per the Director's initiative, pursuant to LSMC 14.16C.035(c). Code interpretations are intended to:

- (1) Clarify ambiguous provisions of the code applied to a specific project;
- (2) Determine nonconforming rights;
- (3) Determine whether a use is allowed in a particular zone; and
- (4) Interpret the meaning of terms.

2. Intent

This policy provides clarification to determine appropriate locations for utility facilities pursuant to LSMC 14.40.030 Permissible and Prohibited Uses, Subsection (c). This section allows the director to determine uses as allowed or not allowed within a land use designation based on its consistency with the Comprehensive Plan and the purpose of the zoning district.

3. Process/Review Criteria

Issue: The city has identified multiple utility facilities in residential zones. The city is reviewing a land use permit that proposes to modernize and expand an existing sewer lift station. Table 14.40-I: Table of Residential Uses by Zones is silent on if utility facilities such as sewer lift stations are allowed in residential zones; while Table 14.40-III: Table of Special Uses by Zones prohibits utility facilities in residential zones. Chapter 14.08 LSMC Definitions provides three definitions for utility facilities with key distinctions.

1. *Utility Facilities*. Publicly, privately, or cooperatively owned facilities other than professional offices that contribute to the provision of utility services, including water, wastewater (sewer), stormwater, electricity, telecommunications, and natural gas.
2. *Utility Facilities, Community or Regional*. All utility facilities other than neighborhood facilities.
3. *Utility Facilities, Neighborhood*. Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

The most applicable definition is *neighborhood utility facility*, which clearly states that it must be located near the neighborhood or district that it serves. This definition is consistent with goals and policies found in the Comprehensive Plan, specifically those found in Chapter 7: Public Services and Utilities Elements. Pertinent selections include the following:

GOAL 7.1 Coordinate with city departments, special purpose districts, utility companies and other service providers to ensure the adequate distribution of public services and facilities throughout the city and consistency with the land use element.

POLICY 7.1.2 Coordinate with special purpose districts including the Lake Stevens Sewer District and Snohomish County PUD and other utility providers (e.g., gas, electrical, phone, etc.) to ensure public facilities are adequately maintained and distributed to support the community's needs and that each agency's planning documents are consistent.

GOAL 7.6 Strive to provide adequate sewer services to every residence and business in the city

Policy 7.6.5 Support the Lake Stevens Sewer District in accomplishing sewer expansions in future expanded urban growth boundaries and high priority development areas within the city as well as priority development areas such as Downtown Lake Stevens.

GOAL 7.7 Process permits for utility facilities and other service providers in a fair and timely manner and in accord with the development regulations, which encourages predictability.

Policy 7.7.6 The city will formulate, interpret, and apply the land development regulations to allow the timely development of utility facility additions and improvements.

4. Implementation

As an interim step, small utility facilities deemed consistent with the definition for *neighborhood utility facilities* will be considered a permitted use when located near the area they serve. In a future comprehensive plan docket cycle, the city plans to rezone properties occupied solely by public utility uses to the Public / Semi Public land use designation and zoning district.

5. Interpretation

The city has determined that neighborhood utility facilities, such as sewer lift stations, shall be a permitted use in residential zones.



March 06, 2023

Russell Wright
Community Development Director

Date

This code interpretation is a Type I Review and is issued pursuant to LSMC 14.16C.035 and may be appealed to the Hearing Examiner pursuant to LSMC 14.16A.210(b)(1). Appeals must be filed within 14 days after the date of this interpretation and must be filed with a written description of the specific aspect being appealed, any supporting evidence and filing fee pursuant to LSMC 14.16B.115.